

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JOHN DOE,)	
)	
Plaintiff)	
)	
v.)	
)	
KRISTI NOEM, in her official capacity)	Civil No. 3:25-cv-00023
as Secretary of Homeland Security)	
)	
and)	
)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
and)	
)	
TODD LYONS, in his official capacity)	
as Acting Director of U.S. Immigration)	
and Customs Enforcement,)	
)	
Defendants.)	

**DEFENDANTS' NOTICE OF CHANGE IN MATERIAL FACTS AND
MOTION TO SUSPEND PRELIMINARY INJUNCTION SCHEDULE**

On April 17, 2025, Plaintiff John Doe filed a Motion for Temporary Restraining Order, ECF No. 5, which this Court converted to a Motion for Preliminary Injunction, ECF No. 8. Doe's Motion seeks the following relief: (1) enjoining the Defendants from terminating Doe's F-1 student status under the Student and Exchange Visitor Information System (SEVIS); (2) requiring Defendants to set aside their termination determination; and (3) ordering Defendants to take all steps to reinstate Doe's record as soon as possible. ECF No. 5.

This Court entered a Temporary Restraining Order on April 17, 2025. ECF No. 8. It issued an Opinion explaining its Order on April 21, 2025. ECF No. 12. On April 21, 2025, the

government reactivated Doe's SEVIS status per the Court's directive. ECF No. 16-1. Doe's counsel has confirmed his client's SEVIS status is active.

On April 25, 2025, undersigned counsel was informed that the Department of Homeland Security, through Immigration and Customs Enforcement, is developing a policy that will provide a framework for SEVIS terminations going forward. Until such a policy is issued, Plaintiff John Doe's SEVIS record will remain "active," and ICE will *not* modify Doe's SEVIS record solely based on the NCIC finding that resulted in the SEVIS record termination at issue in this case. ICE maintains the authority to terminate Doe's SEVIS record for other reasons, such as if Doe fails to maintain his nonimmigrant status going forward, or engages in other unlawful activity that would render him removable from the United States under the Immigration and Nationality Act.

Because Doe has received the relief requested in his Motion for Preliminary Injunction, there is no longer a ripe controversy before this Court, and the government respectfully moves the Court to cancel any briefing and cancel the hearing regarding the Motion for Preliminary Injunction currently set for May 1, 2025. The government's Answer or Responsive Pleading is due June 17, 2025. If Doe does not voluntarily dismiss Counts 1-4, the government intends to move to dismiss Counts 1-4 of the Complaint as moot. The government also intends to move to dismiss Counts 5 and 6, which are not at issue in the Motion for Preliminary Injunction.

Respectfully Submitted,

/s/ Laura Day Taylor
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2025, I caused a true copy of the foregoing Defendants' Notice and Motion to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide electronic notice to the attorney of record.

/s/ Laura Day Taylor
Laura Day Taylor
Assistant United States Attorney